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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,132	09/25/2001	K. Douglas Gennetten	10010027-1	9991

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,132

Applicant(s)

GENNETTEN ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Status

Claims 1-18 are pending. Claims 1-18 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-9 and 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by

Pub No US 2003/0018802 issued to Romanik et al (hereafter Romanik)

Claims 1, 8 and 14:

Romanik discloses:

a plurality of uniquely-identifiable data capturing devices [Fig 2, clients 205a-205c]

a warehouse for receiving and storing at least one set of captured data from each device according to an identity of the device that captured each data set [Fig 2, storage 215, paragraph 49]

such that each data set corresponding to a particular user is stored in a designated location of memory of the warehouse, with each such data set corresponding to a different location for capturing the data being stored in a separate portion of the location [paragraph 49]

Claims 2, 9 and 15:

Romanik discloses wherein said warehouse comprises a naming service for uniquely-naming each data set from a single capture device [paragraphs 49, 50 and Fig 5]

Claim 4:

Romanik discloses wherein said warehouse comprises a client service for providing access to each of the stored data sets [Fig 2]

Claims 5, 12 and 16:

Romanik discloses wherein said warehouse comprises a registrar for registering each of the data capturing devices to an owner [paragraph 49]

Claims 6, 11 and 17:

Romanik discloses wherein said warehouse means comprises data set synchronizer for synchronizing data sets in the data capturing devices with data sets in the warehouse [paragraph 49]

Claims 7, 13 and 18:

Romanik discloses wherein said data capturing device is a camera [paragraph 8]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romanik in view of Pub No US 2003/0110467 issued to Balakrishnan (hereafter Balakrishnan).

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Claims 3 and 10:

Romanik discloses the elements of claim 1/8 as noted above but does not disclose wherein said warehouse comprises a mapping service for mapping each data set to a domain of the warehouse corresponding to the device that captured the data set. Balakrishnan discloses wherein said warehouse comprises a mapping service for mapping each data set to a domain of the warehouse corresponding to the device that captured the data set [paragraph 58]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Romanik to include wherein said warehouse comprises a mapping service for mapping each data set to a domain of the warehouse corresponding to the device that captured the data set as taught by Balakrishnan for the purpose of organizing the data in a manner that is transparent to the viewer [paragraph 58].

Response to Arguments

Applicant's arguments filed 6/5/2006 have been considered but are not persuasive for the reasons given below.

Applicant Argues:

Applicant states in the third paragraph of page 8 “Applicants respectfully assert that Romanik is legally deficient for the purpose of anticipating claim 1. That is, Romanik does not teach or otherwise disclose at least the features/limitations emphasized in claim 1.”

Examiner Responds:

Examiner is not persuaded. Romanik discloses storing user data in a designated location of memory and each user device is identified according to the user device per the following paragraph 49:

0049] Every image that is transferred from the client 205 to server 210 can be appended with a unique identifier which is globally unique among all clients and all images. This identifier serves to uniquely identify a specific image and also to synchronize images between multiple clients. This unique identifier is appended in addition to any identification information that might have been previously appended by the image analysis system. This unique identifier can be used as a primary key in an image database to reference an image. The synchronization methods allow the server to use this unique identifier to ascertain the source and time frame when the image was generated. In the preferred embodiment of the invention, the unique identifier has four components: client identifier, image source identifier, time identifier, and user specified identifier. The user-specified identifier is an optional piece of information supplied by the image analysis system to further identify the image. The client identifier is a field to uniquely identify a client. This can be generated in any fashion but using information derived from the network address or machine name of the client is preferred. The image identifier uniquely identifies the image source on a client. For clients that transmit images only from a single source, this identifier is a constant. The time identifier designates the time when the image is passed to the client transfer mechanism 320. The time field must be of sufficient resolution to prevent two images from having the same unique identifier. This time field is also synchronized among multiple clients so that images on the server received from a plurality of clients can be associated

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with each other. The time identifier must be synchronized between multiple clients to prevent ambiguity between images in the image database. The time identifier need not have any relationship with the current time of day, but in the preferred embodiment of the invention, the time identifier is the time of day as measured on the server. The server periodically transmits its current time of day to each client so that each client can synchronize its time identifier to this value.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

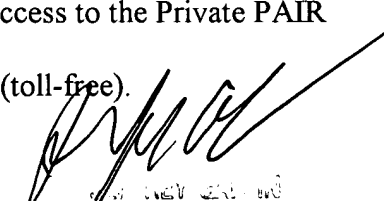
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

7/3/2006


SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100